

STATE OF VERMONT
PUBLIC SERVICE BOARD

DOCKET NUMBER 8400

PETITION OF CHAMPLAIN VT, LLC, D/B/A TDI NEW ENGLAND,
FOR A CERTIFICATE OF PUBLIC GOOD, PURSUANT TO 30
V.S.A. SECTION 248, AUTHORIZING THE INSTALLATION AND
OPERATION OF A HIGH VOLTAGE DIRECT CURRENT (HVDC)
UNDERWATER AND UNDERGROUND ELECTRIC TRANSMISSION LINE
WITH A CAPACITY OF 1,000 MW, A CONVERTER STATION, AND
OTHER ASSOCIATED FACILITIES, TO BE LOCATED IN LAKE
CHAMPLAIN AND IN THE COUNTIES OF GRAND ISLE,
CHITTENDEN, ADDISON, RUTLAND, AND WINDSOR, VERMONT,
TO BE KNOWN AS THE NEW ENGLAND CLEAN POWER LINK
PROJECT

October 20, 2015
9:30 a.m.

112 State Street
Montpelier, Vermont

Technical Hearing held before the Vermont Public
Service Board, at the Third Floor Conference Room,
People's United Bank Building, 112 State Street,
Montpelier, Vermont, on October 20, 2015, beginning at
9:30 a.m.

P R E S E N T

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 Margaret Cheney
 Sarah Hofmann

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I N D E XWitnessPage

Alan Wironen

Larry Eng

Todd Singer

Thomas Kavet

Jeffrey Nelson

Galen Guerrero-Murphy

Seth Parker

Kenneth Kaliski

Michael Buscher

Kristen Heitert

Stephen Olausen

Sean Murphy

William Bailey

Andrew Thuman

Christopher Sabick

Prefiled Testimony Admitted

12

Index Continued

John Woodward	
Bill Jordan	
Prefiled Testimony Admitted	13
Scott Dillon	
James Duggan	
Prefiled Testimony Admitted	14
Doug Blodgett	
Kevin Burke	
Scott Darling	
Rob Evans	
Jeff Merrell	
Adam Miller	
Bernie Peintka	
Robert Popp	
Michael Smith	
Prefiled Testimony Admitted	16
Christopher Root	
Prefiled Testimony Admitted	17
Gregory White and Lawrence Kirby	
Prefiled Testimony Admitted	18
Burlington Electric Department Testimony	
Prefiled Testimony Admitted	20
Donald Jessome, Eugene Martin, Joshua Bagnato	
Direct Examination by Mr. Raubvogel	20
Prefiled Testimony Admitted	24
Cross Examination by Mr. Brown	26
Board Questions	29
Edward McNamara	41
Direct Examination by Ms. Grace	41
Prefiled Testimony Admitted	43
Board Questions	44

<u>Exhibits</u>	<u>Admitted</u>
<u>TDI Exhibits</u>	12
1	
AW 1-4, 2-3REV	
LE 1-5	
TS 1-5, 2-4REV	
TK 1-2	
JAN 1-5, 6A-C, 7, 8, 9A-B, 10, 11 A-B, 12, 3REV, 11A-REV, 11B-REV, 12REV, 13 A-F, 14 A-H	
SGP 1-13	
KK 1-3	
MB 1-2	
KBH 1-2	
SAO 1-3	
SM 1-7, 2REV	
WHB 104	
AT 1-3	
CRS 102	
<u>ANR Exhibits</u>	16
1	
DB-1	
KSC-1	
SD-1	
RE-1	
JM-1	
ADM-1	
BP-1	
RP-1	
MBS 1-3	
VELCO-CR-1	17
DPS-EM-1	43

1 CHAIRMAN VOLZ: Good morning everyone.
2 This is a technical hearing in Public Service Board
3 Docket Number 8400 which concerns the petition of
4 Champlain Vermont LLC, doing business as TDI New
5 England, for a Certificate of Public Good pursuant to
6 30 V.S.A. Section 248 authorizing the installation
7 and operation of a high voltage direct current (HVDC)
8 underwater and underground electric transmission line
9 with a capacity of 1,000 megawatts, a converter
10 station, and other associated facilities to be
11 located in Lake Champlain and in the Counties of
12 Grand Isle, Chittenden, Addison, Rutland, and
13 Windsor, Vermont to be known as the New England Clean
14 Power Link.

15 I would like to start by taking notices
16 of appearance.

17 MS. GRACE: Sheila Grace for the
18 Department of Public Service.

19 MS. ELIAS: Jeanne Elias for the
20 Department of Public Service.

21 MR. BROWN: Kevin Brown for the Town of
22 Rutland.

23 MS. AZARIA: Dale Azaria for the
24 Division of Historic Preservation.

25 MS. McDONALD: Elizabeth McDonald for

1 the Agency of Natural Resources.

2 MR. EINHORN: Don Einhorn also here for
3 the Agency.

4 MS. LEVINE: Sandra Levine for
5 Conservation Law Foundation.

6 MR. LOUGEE: Adam Lougee for the Addison
7 County Regional Planning Commission.

8 MR. RAUBVOGEL: Andy Raubvogel for
9 Petitioner Champlain VT, LLC.

10 MR. HAND: Geoff Hand for Petitioner.

11 MS. WESTGATE: Victoria Westgate also
12 for Petitioner.

13 CHAIRMAN VOLZ: Any other parties?

14 MR. SCIARROTTA: Mark Sciarrotta for
15 VELCO.

16 MS. ANDERSON: Carolyn Anderson, Green
17 Mountain Power.

18 CHAIRMAN VOLZ: All right. Those are
19 all the parties then. There are -- there's a motion
20 that we need to decide and then we have to talk about
21 a couple other matters. Are there any other -- let
22 me start with that. There's an Addison County
23 Regional Planning Commission motion to admit
24 evidence. Is there any objection to that motion?

25 MR. RAUBVOGEL: None.

1 CHAIRMAN VOLZ: Okay. Then it's
2 admitted or it's granted I mean.

3 We also -- I understand we've got a
4 number of witnesses today, a panel, and then from the
5 TDI New England and then a witness from the
6 Department, but other than that we're just going to
7 be admitting all the other testimony that was
8 prefiled into evidence. Should we start with that,
9 doing that now?

10 MR. RAUBVOGEL: Sure.

11 CHAIRMAN VOLZ: Thanks. And you don't
12 need to go into great detail. Just identify the
13 witness and the exhibits that go with each witness in
14 the general sense. You know 1 through 20, whatever
15 it is. You don't have to go through each individual
16 exhibit.

17 MR. MARREN: And, Mr. Lougee, since your
18 exhibit -- the motion to admit was granted, if you
19 could just mark it and hand it to the court reporter
20 when you have a chance. Thank you.

21 MR. LOUGEE: Thank you very much.

22 CHAIRMAN VOLZ: Go ahead.

23 MR. RAUBVOGEL: Would you like TDI to go
24 first?

25 CHAIRMAN VOLZ: Yes.

1 MR. RAUBVOGEL: So I'm going to skip the
2 Jessome panel for now. I'll do everybody else.

3 CHAIRMAN VOLZ: Right. The witnesses
4 who aren't testifying today we want to do first, and
5 then we want you to file affidavits to support that
6 testimony of the witnesses who aren't filing today,
7 and you should do that as soon as possible. That's
8 for all parties who file prefiled testimony,
9 including ANR and the Department, Department of
10 Historic Preservation.

11 MR. RAUBVOGEL: We have provided the
12 Board staff with a copy of our comprehensive exhibit
13 list. That has been marked as TDI-1. So we're going
14 to move for that to be admitted as well just to keep
15 track of the exhibits and testimony.

16 The first witness who is not in
17 attendance is Alan Wironen. So it's just the
18 prefiled direct testimony and supplemental prefiled
19 testimony of Alan Wironen and exhibits TDI AW-1
20 through AW-4 and AW-2 and AW-3 REV.

21 MR. MARREN: Mr. Raubvogel, just to
22 clarify for that witness there were two revised
23 exhibits, AW-3 and -- 2 and 3. Are you just offering
24 the revised version?

25 MR. RAUBVOGEL: I actually was planning

1 on putting everything in. I've got it here. I was
2 planning to do it that way.

3 MR. MARREN: Okay.

4 MR. RAUBVOGEL: Prefiled direct
5 testimony of Larry Eng and supplemental prefiled
6 testimony of Larry Eng and Mr. Eng's exhibits LE-1
7 through LE-5.

8 The prefiled direct testimony of Todd
9 Singer. Supplemental prefiled testimony of Todd
10 Singer. Exhibits TS-1 through TS-4 and TS-2 -- I'm
11 sorry. TS-1 through TS-5 and TS-2 REV through TS-4
12 REV.

13 Prefiled testimony direct testimony of
14 Thomas Kavet and supplemental prefiled testimony of
15 Thomas Kavet, and exhibits TK-1 and TK-2.

16 Prefiled direct testimony of Jeffrey
17 Nelson. Supplemental prefiled testimony of Jeffrey
18 Nelson. TDI-JAN-1 through JAN-12 and TDI JAN-3REV
19 through -- let me go back. The exhibits are TDI
20 JAN-1 through TDI JAN-14H. That includes several of
21 those exhibits that have revised labels on them as
22 well, all of which are noted on the exhibit list.

23 Prefiled direct testimony of Seth
24 Parker. Supplemental prefiled testimony of Seth
25 Parker, and SGP-1 through SGP-13.

1 Prefiled direct testimony of Kenneth
2 Kaliski, and exhibit KK-1 through KK-3.

3 Prefiled direct testimony of Michael
4 Buscher exhibits MB-1 and MB-2.

5 Prefiled direct testimony of Kristen
6 Heitert and supplemental prefiled testimony of
7 Kristen Heitert, and exhibits KDH-1 and KBH-2.

8 Prefiled direct testimony of Stephen
9 Olausen and supplemental prefiled testimony of
10 Stephen Olausen. Exhibits SAO-1 through SAO-3.

11 Prefiled direct testimony of Sean
12 Murphy. Supplemental prefiled testimony of Sean
13 Murphy. Exhibits SM-1 through SM-7. SM-2REV.

14 Prefiled direct testimony of Dr. William
15 Bailey and exhibits WHB-1 through WHB4.

16 Prefiled direct testimony of Andrew
17 Thuman. Exhibits AT-1 through AT-3.

18 Prefiled direct testimony of Christopher
19 Sabick, supplemental testimony of Christopher Sabick,
20 and exhibits CRS-1 and CRS-2.

21 The only other item is Mr. Nelson in his
22 supplemental -- Jeffrey Nelson adopted the testimony
23 of Galen Guerrero-Murphy, and so that's going to be
24 included as part of Mr. Nelson's testimony.

25 CHAIRMAN VOLZ: Is that all of your

1 testimony and exhibits now?

2 MR. RAUBVOGEL: That is everything other
3 than the Jessome --

4 CHAIRMAN VOLZ: The witnesses who are
5 going to testify live?

6 MR. RAUBVOGEL: Correct.

7 CHAIRMAN VOLZ: Any objection to
8 admitting all of that testimony?

9 MR. EINHORN: No.

10 CHAIRMAN VOLZ: Okay. It's admitted and
11 exhibits they are admitted as well.

12 (The Prefiled Testimonies of Alan
13 Wironen, Larry Eng, Todd Singer, Thomas Kavet,
14 Jeffrey Nelson, Galen Guerrero-Murphy, Seth
15 Parker, Kenneth Kaliski, Michael Buscher,
16 Kristen Heitert, Stephen Olausen, Sean Murphy,
17 William Bailey, Andrew Thuman, Christopher
18 Sabick were admitted into the record.)

19 (TDI exhibits marked 1, AW 104, AW 2&3
20 REV, LE 1-5, TS 1-5, TS 2-4REV, TK 1-2, JAN
21 1-5, JAN 6A-C, JAN-7, JAN-8, JAN9A-B, JAN-10,
22 JAN11A-B, JAN-12, JAN-3REV, JAN-11A-REV,
23 JAN-11B-REV, JAN-12REV, JAN-13A-F, JAN-14 A-H,
24 SGP 1-13, KK 1-3, MB 1-2, KBH 1-2, SAO 1-3, SM
25 1-7, SM-2REV, WHB 1-4, AT 103, CRS 1-2 were

1 admitted into the record.)

2 CHAIRMAN VOLZ: Now other parties have
3 filed prefiled testimony so I would just as soon go
4 through the other parties' testimony now as well.
5 We'll start with the Department next.

6 MS. GRACE: So we have the prefiled
7 testimony of John Woodward and the prefiled testimony
8 of Bill Jordan, and we actually do have their
9 affidavits as well if you would prefer us to file
10 those now or to file them with the Clerk, as you
11 wish.

12 CHAIRMAN VOLZ: You can bring them up
13 now, but they don't need to be identified as exhibits
14 now or anything. File them with us. That's it for
15 your witnesses?

16 MS. GRACE: Yes.

17 CHAIRMAN VOLZ: Any objection to
18 admitting that testimony and those exhibits?

19 MR. EINHORN: No.

20 CHAIRMAN VOLZ: They are admitted.

21 (The Prefiled Testimony of John Woodward
22 and Bill Jordan was admitted into the record.)

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1 MR. MARREN: Just to clarify that was
2 just testimony. There were no exhibits.

3 CHAIRMAN VOLZ: Sorry. Next party going
4 down the line who filed testimony.

5 MS. AZARIA: The Division For Historic
6 Preservation has the prefiled testimony of Scott
7 Dillon and James Duggan. We have no exhibits.

8 CHAIRMAN VOLZ: Okay. Any objection to
9 that testimony? Okay. It's admitted.

10 (The Prefiled Testimony of Scott Dillon
11 and James Duggan was admitted into the
12 record.)
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1 MS. McDONALD: The Agency of Natural
2 Resources we have a list of things to move into
3 evidence. We have the ANR exhibit 1 which is the
4 index of prefiled testimony and exhibits. Then we
5 have the prefiled testimony of Doug Blodgett and his
6 Exhibit ANR-DB-1; the prefiled testimony of Kevin
7 Burke and his exhibit ANR-KSC-1; the prefiled
8 testimony of Scott Darling and his exhibit ANR-SD-1;
9 the prefiled testimony of Rob Evans and his exhibit
10 ANR-RE-1; the prefiled testimony of Jeff Merrell, his
11 exhibit ANR-JM-1; the prefiled testimony of Adam
12 Miller and his exhibit ANR-ADM-1; the prefiled
13 testimony of Bernie Peintka and his exhibit ANR-BP-1;
14 the prefiled testimony of Robert G. Popp and his
15 exhibit ANR-RP-1; the prefiled testimony of Michael
16 B. Smith and his exhibits ANR-MBS 1 through 3.

17 CHAIRMAN VOLZ: Any objection to
18 admitting that testimony?

19 MS. GRACE: No.

20 CHAIRMAN VOLZ: And those exhibits?
21 Okay. They are admitted.

22 (The Prefiled Testimonies of Doug
23 Blodgett, Kevin Burke, Scott Darling, Rob
24 Evans, Jeff Merrell, Adam Miller, Bernie
25 Peintka, and Michael B. Smith were admitted

1 into the record.)

2 (ANR Exhibits marked 1, DB-1, KSC-1,
3 SD-1, RE-1, JM-1, ADM-1, BP-1, RP-1, MBS 1-3
4 were admitted into the record.)

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1 CHAIRMAN VOLZ: Any other parties here
2 that have filed testimony?

3 MR. SCIARROTTA: VELCO filed the
4 prefiled testimony of Christopher Root with one
5 exhibit which has been marked as VELCO CR-1, and that
6 is Mr. Root's CV.

7 CHAIRMAN VOLZ: Okay. Any objection to
8 admitting that testimony and exhibit?

9 MS. GRACE: No objection.

10 CHAIRMAN VOLZ: That is admitted as
11 well.

12 (The Prefiled Testimony of Christopher
13 Root was admitted into the record.)
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1 (Exhibit VELCO-CR-1 was admitted into the
2 record.)

3 MS. ANDERSON: Green Mountain Power has
4 the prefiled testimony of Greg White and Lawrence
5 Kirby. We will file our affidavit, I do not have
6 that today, and forward the testimony to JoAnn.

7 CHAIRMAN VOLZ: Okay. Any objection to
8 that testimony and exhibit? Okay. It's admitted.

9 (The Prefiled Testimony of Greg White
10 and Lawrence Kirby was admitted into the
11 record.)
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1 MR. LOUGEE: Just going to bring this up
2 to the Clerk.

3 CHAIRMAN VOLZ: And what is that you're
4 bringing up?

5 MR. LOUGEE: It's the exhibit you
6 admitted earlier, the letter.

7 CHAIRMAN VOLZ: Thank you. Any other
8 testimony and exhibits we need to admit? Have all
9 the parties delivered their testimony and exhibits up
10 front here at this point or is there some who haven't
11 done that yet?

12 MS. AZARIA: Do you want copies of the
13 prefiled testimony?

14 CHAIRMAN VOLZ: Right. You're supposed
15 to bring copies for the court reporter and us.
16 Great. Thanks. Yes.

17 MS. GRACE: Just so you're aware BED did
18 file testimony and an exhibit and they are not here
19 as far as I can tell.

20 CHAIRMAN VOLZ: Okay. All right.

21 MS. GRACE: Just want to inform you of
22 that.

23 CHAIRMAN VOLZ: Does anybody have any
24 objection to admitting BED's testimony and exhibits?

25 MR. RAUBVOGEL: No.

1 CHAIRMAN VOLZ: Then we'll admit them
2 and we're assuming they'll file an affidavit later.
3 Wait for that affidavit to be effective essentially.

4 (The Prefiled Testimony and prefiled
5 exhibits of Green Mountain Power were admitted
6 into the record.)

7 CHAIRMAN VOLZ: Okay. Any other
8 preliminary matters? So I understand the company has
9 a panel of three witnesses they want to call.

10 MR. RAUBVOGEL: We do.

11 CHAIRMAN VOLZ: Okay.

12 MR. RAUBVOGEL: TDI calls Donald
13 Jessome, Eugene Martin, and Josh Bagnato.

14 CHAIRMAN VOLZ: I just have a question
15 for you, Mr. Raubvogel. If we have questions about
16 the stipulation, are these the witnesses that can
17 answer it?

18 MR. RAUBVOGEL: They are.

19 CHAIRMAN VOLZ: Okay. Good.

20 BOARD MEMBER CHENEY: I'll swear you in
21 as a group.

22 DONALD JESSOME, EUGENE MARTIN, JOSHUA BAGNATO,

23 Having been duly sworn, testified
24 as follows:

25 DIRECT EXAMINATION

1 BY MR. RAUBVOGEL:

2 Q. Please identify yourselves for the record?

3 A. (Mr. Jessome) Donald Jessome.

4 A. (Mr. Bagnato) Josh Bagnato.

5 A. (Mr. Martin) Eugene Martin.

6 Q. Did you file prefiled testimony and exhibits
7 in this case?

8 A. (Mr. Jessome) Yes.

9 Q. Do you have copies of those with you?

10 A. (Mr. Jessome) Yes.

11 Q. Can you first turn to your prefiled direct
12 testimony? All right. If you would -- do you have before
13 you the prefiled direct testimony filed on December 8,
14 2014?

15 A. (Mr. Jessome) Yes.

16 Q. And is that testimony -- do you -- first of
17 all, do you have any corrections that you have made to
18 that testimony?

19 A. (Mr. Bagnato) Yes.

20 Q. Are those the corrections that were filed
21 yesterday?

22 A. (Mr. Bagnato) Yes.

23 Q. Do you have any additional corrections to that
24 testimony?

25 A. (Mr. Bagnato) Not to this testimony.

1 Q. Okay. And did you also file with your direct
2 testimony exhibits JMB-1 through JMB-18 of your direct
3 testimony?

4 A. (Mr. Bagnato) Yes.

5 Q. Would you also now turn to your supplemental
6 testimony? Did you file supplemental testimony on August
7 26, 2015?

8 A. (Mr. Bagnato) Yes.

9 Q. And did you also file exhibits JMB-4 REV
10 through JMB-6 REV, JMB-7 through JMB-26?

11 A. (Mr. Bagnato) Yes.

12 Q. And have you also made corrections to that
13 testimony as of yesterday?

14 A. (Mr. Bagnato) Yes.

15 Q. And do you have any additional corrections to
16 any testimony or exhibits in that supplemental filing?

17 A. (Mr. Bagnato) Yes. One additional correction
18 which is --

19 Q. To your testimony or exhibits?

20 A. (Mr. Bagnato) It's to an exhibit.

21 Q. And what is the exhibit number?

22 A. (Mr. Bagnato) JMB-25A.

23 Q. JMB-25.

24 A. (Mr. Bagnato) JMB-25. Thank you.

25 Q. And is that the Vermont VTrans lease option

1 agreement?

2 A. (Mr. Bagnato) Yes, it is.

3 Q. And what is the correction?

4 A. (Mr. Bagnato) On section 6 under -- this is
5 page 3 under paragraph A --

6 Q. Are you in the lease option or the exhibit to
7 the lease option?

8 A. (Mr. Bagnato) This is the lease agreement.

9 Q. Go back one page.

10 A. (Mr. Bagnato) This is exhibit A, lease
11 agreement.

12 Q. Okay. And what page are you on?

13 A. (Mr. Bagnato) Page 3 paragraph A about
14 halfway down it there's a typo here. We refer to VELCO as
15 Vermont Electric Cooperative and it should say Vermont
16 Electric Power Company.

17 Q. And does it have VELCO in parentheses next to
18 it?

19 A. (Mr. Bagnato) It does.

20 Q. Is that the only change that you have?

21 A. (Mr. Bagnato) Yes.

22 Q. So is the testimony and exhibits that you have
23 filed to your knowledge true and accurate copies of your
24 testimony and exhibits?

25 A. (Mr. Jessome) Yes.

1 MR. RAUBVOGEL: TDI moves for the
2 admission of the identified testimony and exhibits.

3 CHAIRMAN VOLZ: I only heard one person
4 answer that question.

5 MR. JESSOME: Yes.

6 MR. MARTIN: Yes.

7 CHAIRMAN VOLZ: Thank you. All three of
8 you have answered now. It's true and accurate to the
9 best of your knowledge?

10 MR. JESSOME: Yes.

11 MR. MARTIN: Yes.

12 MR. BAGNATO: Yes.

13 (The Prefiled Testimony of Donald
14 Jessome, Eugene Martin, and Joshua Bagnato was
15 admitted into the record.)

16 (Exhibits marked TDI JMB 1-26, 4REV-6REV
17 were admitted into the record.)

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1 BOARD MEMBER HOFMANN: Can I ask a
2 question about that exhibit before we leave it? And
3 the question is I guess to -- Mr. Bagnato was
4 answering it. Vermont Electric Power Company has
5 agreed to that change to the lease agreement or these
6 are with VTrans, right?

7 MR. BAGNATO: Yes. This is a VTrans
8 lease agreement. It was brought to our attention
9 this morning that we had mistakenly used the wrong
10 utility name there and then they asked us to correct
11 it.

12 BOARD MEMBER HOFMANN: And you will be
13 notifying VTrans?

14 MR. RAUBVOGEL: We will, and just to be
15 clear we don't view that as a change to the
16 agreement. It's an administrative error.

17 CHAIRMAN VOLZ: Because it was always
18 intended to be VELCO?

19 MR. RAUBVOGEL: Correct. As it says in
20 parentheses.

21 CHAIRMAN VOLZ: I just want -- because
22 you're testifying as a panel I just want to warn you
23 about how we do that, what it means to be a panel.
24 Because you filed joint testimony whenever we ask --
25 anybody asks you a question -- asks the panel a

1 question and one of you answers it, the others need
2 to listen to the answer and speak up if you don't
3 agree. We're assuming that the answer from any one
4 of you is good for all of you, and so if one of your
5 colleagues says something you don't agree with, you
6 have to speak up now or else it will be deemed that
7 you agree with it.

8 MR. JESSOME: Okay.

9 CHAIRMAN VOLZ: I think we have
10 questions.

11 MR. RAUBVOGEL: The witnesses are
12 available for cross examination.

13 CHAIRMAN VOLZ: I think we're the only
14 ones who have questions for them as I understand.

15 MR. RAUBVOGEL: Mr. Brown from Rutland I
16 believe.

17 CHAIRMAN VOLZ: Do you have any
18 questions, Mr. Brown?

19 MR. BROWN: Yes. Who should I be
20 talking to?

21 MR. RAUBVOGEL: I think you should just
22 direct the question and then they are going to figure
23 out who is the right person.

24 CROSS EXAMINATION

25 BY MR. BROWN:

1 Q. I just want to focus on 251 where the project
2 crosses Creek Road in town.

3 MR. RAUBVOGEL: Are you in exhibit AW-2
4 REV?

5 MR. BROWN: Right, and sheet 251.

6 MR. RAUBVOGEL: This is an oversize
7 exhibit.

8 CHAIRMAN VOLZ: Go ahead.

9 MR. BROWN: I was waiting to make sure
10 everybody is ready.

11 CHAIRMAN VOLZ: All right. Go ahead.

12 BY MR. BROWN:

13 Q. Would you explain how the power line crosses
14 Creek Road please?

15 A. (Mr. Martin) The power line crosses Creek
16 Road -- it actually goes underneath Creek Road with a HDD,
17 horizontal directional drill. It also bypasses a fluvial
18 -- two fluvial streams there. It's a 700-foot HDD.

19 Q. And U.S. Route 4 is an overpass over Creek
20 Road?

21 A. (Mr. Martin) Yes.

22 Q. And will the Board -- do you know what the
23 limits of the town right-of-way is for Creek Road?

24 A. (Mr. Martin) I do not.

25 Q. Will all the boring -- I want to use the right

1 terminology. The pit that you dig to start the bore where
2 is that going to --

3 A. (Mr. Martin) That will be in the VTrans
4 right-of-way.

5 Q. Okay. And how far to the west of Creek Road
6 give or take?

7 A. (Mr. Martin) Approximately 40, 50 feet from
8 Creek Road.

9 Q. Okay. And then there's also a pit on the east
10 side of Creek Road?

11 A. (Mr. Martin) That's correct. There will be a
12 receiving pit on the other side.

13 Q. And how far will that be from --

14 A. (Mr. Martin) About 700 feet away.

15 Q. From the start of the pit on the west side?

16 A. (Mr. Martin) Correct.

17 Q. Okay. And how deep in relation to the surface
18 of Creek Road will the line be when it passes underneath?

19 A. (Mr. Martin) About 18 feet below Creek Road.

20 Q. Below the grade of Creek Road?

21 A. (Mr. Martin) Correct.

22 Q. And does the Petitioner have a permit from the
23 town yet for boring under Creek Road?

24 A. (Mr. Martin) No.

25 MR. BROWN: We have a legal issue we're

1 discussing about whether a local permit under 19
2 V.S.A. 1111 is required to work in the town
3 right-of-way, but that's something that Andy and I
4 are talking about and will work out, but I wanted to
5 get the facts out before the Board in case we prefile
6 which I don't expect we'll have to do.

7 CHAIRMAN VOLZ: Thank you. Does that
8 conclude your questioning then?

9 MR. BROWN: Yes it does.

10 CHAIRMAN VOLZ: Any other questions from
11 the witnesses from any other party? I think the
12 Board staff has questions and the Board itself may.

13 MR. COTTER: Good morning, Gentlemen. I
14 just have a few questions for you and they are really
15 mostly of a clarifying nature. The first one is
16 about exhibit TDI-JMB-7A which is the first amendment
17 to the stipulation between TDI and VELCO. I'll give
18 you a second to get there.

19 The first sentence of paragraph 16
20 refers to both FERC order 1000 and then it says quote
21 another regional cost sharing mechanism, and I just
22 wanted to get clarification. Would that phrase
23 incorporate the possibility of PTF funding through
24 ISO-New England?

25 MR. JESSOME: That was not the

1 intention. It was more the intention with respect to
2 the Governor's initiative that was -- several years
3 ago was being bantered around and NESCO becoming
4 involved in potentially a transmission project being
5 built and being socialized across the New England
6 market.

7 MR. COTTER: It's a fairly generic
8 phrase and I just want to make sure if there's any
9 regional sharing that ends up allocating a portion of
10 project costs to Vermont ratepayers would that phrase
11 cover it?

12 MR. JESSOME: Yes. It does.

13 MR. COTTER: Okay. Exhibit TDI-JMB-19B,
14 which is the amendment to the stipulation between
15 TDI, the Department, Agency of Natural Resources, and
16 the Department, or excuse me, the Division For
17 Historic Preservation, and this one, I'm sorry, it's
18 going to sound a little tortured, but --

19 MR. BAGNATO: We're not there yet.

20 MR. RAUBVOGEL: Exhibit 19B, which if
21 you go to 19 it's at the end of the green sheet.

22 MR. COTTER: Just let me know when
23 you're there.

24 MR. JESSOME: We are there.

25 MR. COTTER: You are. Okay. It says in

1 the event that paragraph 16 of the July 24, 2015
2 agreement between TDI and Vermont Transco, VELCO for
3 short, applies to this project, then the Department
4 will use its best efforts to minimize Vermont's
5 regional share of the New England Clean Power Link's
6 costs.

7 Excuse me. Just -- the July 24, 2015
8 agreement with VELCO is the agreement that addresses
9 the PV20 line and does not have a paragraph 16. Is
10 it possible that the reference should be to the
11 December 4, 2014 agreement as amended by agreement
12 dated August 20, 2015? I could refer you to exhibit
13 JMB-7A if that helps you answer.

14 MR. JESSOME: That is correct.

15 MR. COTTER: Thanks. Sorry for the
16 confusion. It took a little while to put it
17 together.

18 Exhibit JMB-19A, the July 17, 2015
19 stipulation between TDI, the Department, the Agency
20 of Natural Resources and Historic Preservation, if
21 you could turn to page 6, paragraph 3D, the second
22 sentence says the parties further acknowledge that
23 these benefit payments, and that's in reference to
24 the public benefit funds, are being or may be used in
25 several regulatory obligations of TDI New England

1 which are necessary for the completion of this
2 project.

3 What regulatory obligations are being
4 referred to in that sentence?

5 MR. JESSOME: I believe what that's
6 referring to is the application -- the lake
7 encroachment application we have with Vermont ANR.
8 They also need to do, as I understand, a public trust
9 balance in their review of that application. I
10 believe that's the other regulatory obligation that's
11 referring to.

12 MR. COTTER: I just want to make sure
13 that the public trust benefits are not going to be
14 diverted for some reasons if a regulatory obligation
15 pops up for TDI. They are going to go where they are
16 intended to go?

17 MR. BAGNATO: Correct.

18 MR. COTTER: Thank you. Same document
19 on page 3 paragraph 3(A)(i). It says the Vermont
20 electric ratepayer benefit through VELCO remains the
21 same as in the Section 248 petition; i.e. an average
22 of 3.4 million per year for 40 years.

23 Is the amount of the ratepayer benefit
24 affected by the amendment to the agreement with VELCO
25 which provides for indemnification in the event of

1 regional cost sharing?

2 MR. JESSOME: It would if regional cost
3 sharing is used by the project, but under the current
4 status of the project this would be -- 3.4 million
5 would be accurate for the analysis.

6 MR. COTTER: Okay. But you wouldn't
7 contest that in the future if there's regional cost
8 sharing that that number would be affected by that?

9 MR. JESSOME: It would not be affected.

10 MR. COTTER: What do you mean it would
11 not be?

12 MR. JESSOME: Other than the amount to
13 VELCO would increase by the regional cost sharing to
14 ensure that the 3.4 million is not affected.

15 MR. COTTER: Okay. I understand. Thank
16 you. That's all I have, Jim. Excuse me. Mr. Chair.

17 CHAIRMAN VOLZ: Okay. Dave.

18 MR. WATTS: I just have a couple
19 questions. In looking at the agreements with the
20 towns I notice there was conditions for doing
21 construction, taxes, and so forth, and TDI having a
22 contact during construction.

23 What I was curious about is after
24 construction during the operational phase will TDI
25 have a presence in Vermont?

1 MR. JESSOME: Yes.

2 MR. WATTS: Okay. So if there were
3 something that occurred, they had an event such as a
4 washout or something like that, there would be
5 somebody they could contact?

6 MR. JESSOME: Yes.

7 MR. WATTS: Also in working with the
8 towns again, and this is in the operational phase, do
9 you feel there's any training that might be provided
10 to town crews because they could be the first
11 responders to a washout or somebody struck a splice
12 cage?

13 MR. MARTIN: The answer is yes.

14 MR. WATTS: Has that training been done?

15 MR. MARTIN: No.

16 MR. WATTS: Something will be done
17 before operation?

18 MR. MARTIN: Something will be done.
19 Yes.

20 MR. WATTS: Okay. Thank you.

21 CHAIRMAN VOLZ: Just so the parties and
22 everyone -- I think the staff up here should identify
23 themselves before they ask questions. John Cotter
24 was the Staff Attorney that asked the first round of
25 questions, and Dave Watts, our Engineer, asked the

1 second round. Jake Marren.

2 MR. MARREN: Jake Marren. I would like
3 to turn to page 9 of the July 17th stipulation
4 between TDI and the Department of Public Service, and
5 I'm looking at paragraph H which concerns
6 decommissioning, and my question to TDI is how will
7 the decommissioning of the project be funded?

8 MR. JESSOME: So the funding of the
9 decommissioning will be through an ongoing obligation
10 by the project to have at least 50 percent of the
11 transmission services available, and if it falls
12 below that level, then we would come back and file
13 with the Board to let them know that's occurred.

14 MR. MARREN: And so I understand that in
15 the stipulation TDI's agreed that if within the first
16 two years you are below 50 percent contracted that
17 you would have a proceeding with the Board to
18 investigate the appropriate -- establish a fund, but
19 if that scenario doesn't occur, then no dedicated
20 decommissioning fund will be established?

21 MR. JESSOME: That is correct.

22 MR. MARREN: So then my question is in
23 the event that a fund is not established how would
24 decommissioning be paid for at the end of the useful
25 life of the project?

1 MR. JESSOME: Through the -- at the very
2 end of the project's life as opposed to just the
3 contractual?

4 MR. MARREN: At the end of the project
5 life.

6 MR. JESSOME: The company would be
7 responsible for decommissioning.

8 MR. MARREN: So --

9 CHAIRMAN VOLZ: When you say the company
10 who do you mean?

11 MR. JESSOME: TDI New England.

12 MR. MARREN: Does TDI have any assets?

13 CHAIRMAN VOLZ: And Champlain LLC?

14 MR. JESSOME: And Champlain.

15 MR. MARREN: Does TDI have any other
16 assets besides this transmission line?

17 MR. JESSOME: It does not.

18 MR. MARREN: And so if the transmission
19 line is out of service, what revenues will TDI have
20 to cover those costs?

21 MR. JESSOME: I spoke too soon. We do
22 have real estate in addition to, and we have those
23 existing assets today.

24 MR. MARREN: Any follow-up questions?

25 CHAIRMAN VOLZ: Yes. I had one.

1 BOARD MEMBER HOFMANN: I have a question
2 about the decommissioning parts of the agreement. If
3 you look at JMB-19A, that's the agreement between
4 TDI, DPS, ANR, and DHP, on page 9, which is clause H,
5 on the decommissioning it indicates that if at any
6 time TDI New England's review of those contracts
7 reveals that within two years contracts for use of
8 the transmission line will fall below 50 percent of
9 the total line capacity that's when TDI will notify
10 the Board, correct?

11 But then in the supplemental testimony
12 on page 24 you indicate about halfway down the page
13 that the -- in the event that the contract revealed
14 the use of the transmission line will fall below 50
15 percent of its capacity for a two-year period, I
16 don't see anything in the MOU that it has to be for a
17 two-year period. It looks like it's looking out two
18 years, but are you indicating in the testimony that
19 you believe that the revenues have to fall below 50
20 percent for a two-year period?

21 MR. JESSOME: So it is forward looking.
22 That within two years if we're going to drop below 50
23 percent, that we would notify the Board.

24 BOARD MEMBER HOFMANN: So the MOU
25 language controls?

1 MR. JESSOME: Yes.

2 BOARD MEMBER HOFMANN: Thank you.

3 CHAIRMAN VOLZ: I had a housekeeping
4 type question. At page 9 of the stipulation
5 paragraph 7H, at the end of that you say for the
6 duration of the project TDI New England agrees to
7 file each contract with the Public Service Board for
8 the use of the transmission line within 30 days, et
9 cetera. Any objection to filing that with the
10 Department of Public Service as well?

11 MR. JESSOME: No objection.

12 CHAIRMAN VOLZ: Okay. Because I think
13 that's what we probably would require that you file
14 it with both of us, not just with us.

15 MR. JESSOME: Okay.

16 CHAIRMAN VOLZ: Because we rely on them
17 to monitor you. It's kind of their job. Thanks.

18 BOARD MEMBER CHENEY: And there are a
19 number of places in different stipulations where the
20 Board is either provided with reports or asked to
21 review and approve various things, and I assume in
22 those cases the Department would be notified as well?

23 CHAIRMAN VOLZ: We're going to probably
24 require that in our final order. So if you have an
25 objection to that or anybody thought that wasn't a

1 good idea --

2 MR. JESSOME: We have no objection to
3 that.

4 CHAIRMAN VOLZ: Okay. Great.

5 MR. MARREN: I have one followup
6 question on the topic of decommissioning. You
7 mentioned that TDI also has assets consisting of real
8 estate. Is it TDI's understanding that the value of
9 that real estate will be sufficient to decommission
10 the project?

11 MR. JESSOME: It probably would not, but
12 given our forward looking requirement, so if let's
13 assume at the end of year 38 we're not -- we couldn't
14 see that 50 percent, we have to come to the Board at
15 that point in time.

16 MR. MARREN: All right. My next
17 question concerns your testimony of December 8, 2014,
18 your first round of prefiled testimony, on page 36.
19 The topic here is construction staging areas for the
20 over land portion of the project. In the testimony
21 you state that you're working to identify
22 construction staging areas. Have you identified the
23 construction staging areas at this time?

24 MR. BAGNATO: Well we've identified --
25 as we indicate in this we've identified three

1 construction staging areas; one in Alburg, one in
2 Benson, and one in Ludlow.

3 MR. MARREN: Do you plan on there being
4 any other construction areas?

5 MR. BAGNATO: Yes. We would plan on
6 there being additional staging areas.

7 MR. MARREN: Have those been identified
8 yet?

9 MR. BAGNATO: No.

10 MR. MARTIN: We intended that we'll
11 apply those in conjunction with the contractor.

12 MR. MARREN: Once those sites are
13 identified does TDI intend to provide notice to
14 adjoining landowners of those sites?

15 MR. MARTIN: Yes.

16 MR. MARREN: And would you also provide
17 notice to ANR and the Department and other parties so
18 they have an opportunity to review those sites?

19 MR. MARTIN: Absolutely.

20 MR. BAGNATO: We would expect those
21 would be in the final design plans. They would be
22 identified clearly in the final design plans.

23 MR. MARREN: And is there -- I'm sorry.
24 I'm unfamiliar. Is there a plan -- plan isn't the
25 right word. Do you have a process whereby which when

1 you have final design plans that you present them to
2 the parties?

3 MR. MARTIN: Yes.

4 MR. RAUBVOGEL: I can just answer that
5 in the proposed findings we've submitted one of the
6 proposed CPG conditions is that we would submit final
7 design plans to the Board as a post CPG compliance
8 filing.

9 MR. MARREN: Thank you for clarifying
10 that. I have no other questions.

11 CHAIRMAN VOLZ: Anybody else up here?
12 Any followup to our questions from any of the
13 parties? Any redirect?

14 MR. RAUBVOGEL: If we can have a moment.

15 CHAIRMAN VOLZ: Yes.

16 MR. RAUBVOGEL: None.

17 CHAIRMAN VOLZ: Great. Thank you very
18 much. I think the only other witness we're supposed
19 to hear from today is Mr. McNamara.

20 MS. GRACE: Yes.

21 EDWARD McNAMARA,

22 Having been duly sworn, testified
23 as follows:

24 DIRECT EXAMINATION

25 BY MS. GRACE:

1 Q. Please state your name and where you are
2 employed?

3 A. My name is Edward McNamara. I'm employed by
4 the Department of Public Service.

5 Q. Did you prepare the prefiled testimony dated
6 June 12, 2015 and the supplemental testimony dated October
7 14, 2015?

8 A. Yes, I did.

9 Q. Did your testimony include exhibit DPS-EM-1?

10 A. Yes, it did.

11 Q. Could you identify that for the record?

12 A. DPS-EM-1 is TDI's response to the second round
13 of the Department's discovery requests, specifically
14 question 10 -- question and answer 10.

15 Q. Was your prefiled testimony and your
16 supplemental testimony based on your personal knowledge?

17 A. It was.

18 Q. Do you have any corrections to your testimony
19 as written?

20 A. Other than the corrections contained in the
21 supplemental testimony, no.

22 Q. If I ask you the same questions today, would
23 you give the same answers?

24 A. I would.

25 MS. GRACE: I move for the admission of

1 Mr. McNamara's prefiled testimony and his
2 supplemental prefiled testimony as well as exhibit
3 DPS-EM-1.

4 CHAIRMAN VOLZ: Any objection?

5 MR. EINHORN: No.

6 MR. RAUBVOGEL: None.

7 CHAIRMAN VOLZ: They are admitted.

8 (The Prefiled Testimony of Edward
9 McNamara was admitted into the record.)

10 (Exhibit DPS-EM-1 was admitted into the
11 record.)

1 MS. GRACE: Mr. McNamara is available
2 for questions.

3 CHAIRMAN VOLZ: Do the parties have any
4 questions for Mr. McNamara?

5 MR. EINHORN: No.

6 CHAIRMAN VOLZ: We have some.

7 MR. COTTER: For the record John Cotter,
8 Staff Attorney at the Board. Mr. McNamara, in your
9 initial prefiled testimony you did spend some time
10 expressing concerns about the project's ability to
11 meet the need criterion. Do you recall that?

12 MR. McNAMARA: Yes, I do.

13 MR. COTTER: Are you -- or I should say
14 is the Department now satisfied that the project will
15 deliver a sufficient amount of renewable power to
16 meet the need criterion?

17 MR. McNAMARA: Yes. I believe Mr.
18 Parker's supplemental testimony adequately concerned
19 -- addressed the concerns I raised in my initial
20 testimony.

21 MR. COTTER: Could you just expand on
22 that a little bit for the record please?

23 MR. McNAMARA: Sure. In my initial
24 testimony I discuss some concerns about whether there
25 were limitations on -- limitations through federal

1 law primarily and whether there can be any
2 requirements to have renewable power only delivered
3 across the lake.

4 Mr. Parker's supplemental prefiled
5 testimony provided a fair amount of testimony on --
6 or fair amount of evidence on the new renewable
7 resources being developed in Quebec and also the
8 Maritime Provinces, and also was a good reminder that
9 was contained in his initial testimony that it's
10 really states in New England that are looking for
11 only renewable power. If we're going to do long term
12 contracts in New England, it's going to be renewable.
13 We're not really looking to do long term contracts
14 with coal at this point. So I think Mr. Parker's
15 testimony did satisfy the concerns.

16 MR. COTTER: Okay. Thank you.

17 CHAIRMAN VOLZ: In other words, the
18 likely buyers in New England who will be buying from
19 Canada and wanting to use the line to bring the power
20 to them are likely to buy power from renewable
21 resources for the most part?

22 MR. McNAMARA: That's correct. Yes.

23 CHAIRMAN VOLZ: Thanks.

24 MR. COTTER: I also wanted to touch on
25 in your original prefiled testimony you expressed

1 some concern about the project's ability to satisfy
2 the economic benefit criterion unless it was a
3 merchant plant, and I just wanted to ask you if the
4 amendment to TDI's agreement with VELCO that requires
5 indemnification from TDI for any regionally allocated
6 costs, that satisfies those concerns?

7 MR. McNAMARA: It does. My initial
8 testimony raised the issue of if, for example, there
9 was an order 1000 project or funded under order 1000
10 --

11 CHAIRMAN VOLZ: Order 1000 is FERC order
12 1000.

13 MR. McNAMARA: FERC order 1000 that
14 Vermont would be potentially on the hook to pay 2.8
15 percent of the cost, but there's no -- as of this
16 date there's no cost containment on competitive
17 projects such as under order 1000, so that we don't
18 actually know the total cost and it would be
19 difficult to do a cost benefit analysis. With the
20 agreement between VELCO and TDI that concern is
21 essentially obviated.

22 MR. COTTER: Okay, and did you hear my
23 question to the panel a few minutes ago about the --
24 is the July 17, 2015 stipulation among TDI and the
25 various state agencies where paragraph 3(A)(i) says

1 the ratepayer benefit will remain the same as it was
2 described in the original petition. Is your
3 understanding also that the purpose of the
4 indemnification is if there is a regional cost
5 sharing that the amount that TDI would transfer to
6 VELCO might increase, but the point of that increase
7 is to preserve the amount of ratepayer benefit?

8 MR. McNAMARA: Yes. My understanding of
9 Mr. Jessome's response is the payment would never be
10 below the 3.4 million. It might be higher because of
11 the indemnification would be on top of the 3.4
12 million, but that there would be no less payments to
13 VELCO as a result of the indemnification.

14 MR. COTTER: Okay. On page 18 of your
15 initial prefiled testimony in your discussion of
16 public good you actually -- it begins on 17 and goes
17 on to 18. You end up recommending that the Board
18 consider not only the impacts of the TDI proposal in
19 this proceeding, but that it also consider the
20 cumulative impacts of any upgrades that are necessary
21 for the project to properly interconnect with the
22 Vermont system. Has that petition changed at all in
23 light of the stipulation with TDI?

24 MR. McNAMARA: I think the stipulation
25 actually addresses the concerns that were in the

1 testimony. There are several provisions in the
2 stipulation that specifically address the need to
3 file any sort of ancillary upgrades, permits for
4 ancillary upgrades, and that construction couldn't be
5 completed until after those upgrades had been
6 approved -- until those permits had been approved.

7 There's also one other provision as well
8 somewhat buried in the stipulation and might not have
9 been clear, however, -- excuse me one second.

10 MS. GRACE: 4D.

11 MR. McNAMARA: Thank you. Page 7 of the
12 stipulation, this is paragraph 4D, about a little bit
13 more than halfway through that paragraph the sentence
14 the parties recognize these upgrades may be different
15 than the preliminary list provided by TDI New England
16 to the Department and may require further review of
17 the NECPL under PSB rules regarding amendments to a
18 Section 248 petition if the upgrades materially
19 change any finding or conclusion reached by the
20 Board.

21 MR. COTTER: So, in other words, if I
22 understand -- I understood your initial testimony to
23 be that as we sit here today before the Board renders
24 a decision it has to somehow understand what all the
25 cumulative impacts of any ancillary projects will be,

1 but if I understand this, the idea is that if one of
2 those ancillary upgrades really does add to the
3 impact of the project we're considering today, that
4 there is a process in place for the Board to look at
5 that additional impact?

6 MR. McNAMARA: That's correct.

7 MR. COTTER: Okay. Thanks. That's very
8 helpful. Exhibit 19A, which is again the July 17th
9 stipulation, on page 10 paragraph 7N, and this is
10 really just curiosity on my part, Mr. McNamara, it's
11 a provision that establishes a mechanism where
12 capacity on the proposed transmission line might be
13 made available to Vermont distribution utilities in
14 the future. What exactly would Vermont distribution
15 utilities do with that capacity other than, for
16 example, purchase power from a renewable facility in
17 Canada?

18 MR. McNAMARA: I believe it would just
19 be purchasing the power from a renewable source
20 providing the transmission service. So essentially
21 you have access to have that power delivered.

22 MR. COTTER: Okay. Which actually that
23 brings up another point of curiosity. So what's your
24 understanding about who actually reserves
25 transmission on the line? I guess I was thinking

1 that the generating unit would be the one paying the
2 transmission on the line and they would recover those
3 costs as well as the cost of producing their power
4 from the purchasing entity on the other end. Is that
5 not correct?

6 MR. McNAMARA: That's getting outside
7 the scope of my testimony. My understanding is that
8 it depends on the contractual arrangements. For
9 example, it could be Hydro-Quebec, it could be
10 National Grid is paying for the transmission service.
11 It's entirely dependent on the contractual
12 arrangements that TDI would make with either
13 Hydro-Quebec or National Grid.

14 MR. COTTER: Okay. Fair enough. The
15 same document, the stipulation, exhibit JMB-19A page
16 10 paragraph 7H.

17 CHAIRMAN VOLZ: It starts on the bottom
18 of 9.

19 MR. COTTER: Page 9, yes, and goes over
20 to page 10. Thank you. The stipulation only
21 requires the establishment of the decommissioning
22 fund under certain circumstances and only after a
23 Board review if those circumstances arise.

24 This strikes me as a departure from what
25 the Department's position has been in numerous cases

1 recently before the Board where merchant plants have
2 been proposing projects and the Department has taken
3 the position to my knowledge in almost every case
4 that projects like this have a decommissioning fund
5 in place prior to the commencement of construction.
6 Why the change in position?

7 MR. McNAMARA: Again this is a little
8 bit outside the scope of the testimony. I would note
9 that this is part of a comprehensive settlement
10 between the Department and TDI. Also note that there
11 are differences between a merchant generation plant
12 with a fairly short, relatively speaking, useful life
13 compared to a transmission project.

14 MR. COTTER: But what about the
15 stipulation ensures that at the end of this project's
16 useful life TDI will both have the funds necessary to
17 decommission and expend them?

18 MR. McNAMARA: I think primarily the
19 fact that these transmission assets have substantial
20 value to them, that these can be used to recoup costs
21 of decommissioning. Very similar to what Mr. Jessome
22 had said in his response to you -- to Mr. Marren's
23 question.

24 MR. COTTER: You're referring to salvage
25 value?

1 MR. McNAMARA: Yes.

2 MR. COTTER: Okay. Thank you. Same
3 document paragraph 8K, and that would be page 14. So
4 it says any disputes arising under the stipulation
5 shall be resolved by the Board under Vermont law.
6 What would happen if there was an alleged breach of
7 the agreement and the aggrieved party is seeking a
8 remedy that the Board doesn't have the authority to
9 provide? For example, specific performance of the
10 contract.

11 MR. McNAMARA: Honestly that's more of a
12 legal issue that I think is more of a briefing issue.
13 I'm not entirely -- I hadn't thought that through.
14 I'm not prepared to respond to that right now.

15 MR. COTTER: Okay. Well then I suppose
16 if there is briefing it would be nice to hear the
17 Department's position on that in a brief. That's all
18 I have, Mr. Chairman.

19 CHAIRMAN VOLZ: Thanks. Any followup to
20 our questioning by any of the parties? Any redirect?
21 Great. Thank you, Mr. McNamara. I believe that's
22 all the witnesses that we have for today.

23 MR. RAUBVOGEL: Yes.

24 CHAIRMAN VOLZ: So we'll talk about
25 briefing.

1 MR. RAUBVOGEL: Yes. We would like to.
2 I have started talking to some of the parties. So as
3 you know we submitted just as an initial effort
4 proposed findings to the Board prior to the hearing
5 with the intention that we would supplement that
6 after today, and also with the effort to see whether
7 we can get as many other parties to join, and I
8 understand from Board staff that submitting a joint
9 set of findings is going to be most helpful to the
10 Board.

11 CHAIRMAN VOLZ: Right.

12 MR. RAUBVOGEL: So our proposal would be
13 -- it's not clear to me that we're going to need
14 reply briefs. So if we set a schedule, assuming
15 other parties agree, that say three weeks out just to
16 file joint findings, and if we can't reach joint
17 findings parties would file, and I think only if
18 there's really -- we wouldn't need reply briefs
19 unless it was just something that the parties
20 dramatically disagreed about in which case we might
21 need a short time, but otherwise we are looking, if
22 possible, to get this in the Board's hands in time to
23 have a decision by the end of this year. That's what
24 we're requesting. That would allow the project to
25 continue to hit its milestones and actually get to

1 commercialization.

2 So with the other parties' permission
3 three weeks from now joint filing. If not possible,
4 then separate filings.

5 CHAIRMAN VOLZ: Right, and then if any
6 party on that day thinks they need an opportunity to
7 file for rely brief, they can request it on that day
8 and propose a date for it, but I mean a week would be
9 what I would be thinking about anyway. So three
10 weeks from today is the 10th, November 10th. Does
11 that work for other people? Anybody have a problem
12 with that?

13 MR. EINHORN: No.

14 CHAIRMAN VOLZ: Okay. Great. November
15 10th. Anything else we need to do today? Thank you.
16 We're adjourned.

17 (Whereupon, the proceeding was
18 adjourned at 10:35 a.m.)

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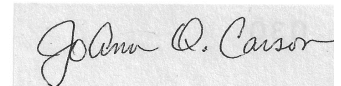
C E R T I F I C A T E

I, JoAnn Q. Carson, do hereby certify that I recorded by stenographic means the technical hearing re: Docket Number 8400 at the Hearing Room of the Public Service Board, 112 State Street, Montpelier, Vermont, on October 20, 2015, beginning at 9:30 a.m.

I further certify that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting, and the foregoing 54 pages are a transcript of the stenograph notes taken by me of the evidence and the proceedings, to the best of my ability.

I further certify that I am not related to any of the parties thereto or their Counsel, and I am in no way interested in the outcome of said cause.

Dated at Burlington, Vermont, this 21st day of October, 2015.



JoAnn Q. Carson

Registered Merit Reporter

Certified Real Time Reporter

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